

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Murdy	Team: Squad #6	CCRB Case #: 201409395	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 08/23/2014 2:00 AM	Location of Incident: 3605 Church Avenue	Precinct: 67	18 Mo. SOL 2/23/2016	EO SOL 2/23/2016	
Date/Time CV Reported Tue, 09/09/2014 4:14 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/12/2014 12:04 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. INS Kenneth Lehr	00000	891719	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.INS Kenneth Lehr	Force: Ins. Kenneth Lehr used physical force against § 87(2)(b) Jackson.	

Case Summary

On August 23, 2014, at approximately 12 a.m., § 87(2)(b) was near the bar inside Pat's Palm Tree, located at 3605 Church Avenue in Brooklyn, collecting payment for providing DJ services to the club. While § 87(2)(b) was facing the bar, he was pushed from behind on his left side by Inspector Kenneth Lehr (**Allegation A**). The push caused § 87(2)(b) to hit the right side of his head on a nearby wall and drop to the ground. As Inspector Lehr went by, § 87(2)(b) was able to identify him due to a prior interaction with the officer. § 87(2)(b) attempted to follow Inspector Lehr into the kitchen area of the club, but was stopped by an unknown officer who told him that an investigation was underway and he could not pass. § 87(2)(b) then left the club and went home.

At approximately 6 p.m. on August 23, 2014, § 87(2)(b) awoke with headaches and sought medical attention at § 87(2)(b) Medical Center, located at § 87(2)(b) in Brooklyn. He stated he was diagnosed with headaches, blurry vision, nausea, high blood pressure, and a minor bruise to his head (encl. f4).

Mediation, Civil, and Criminal Histories

§ 87(2)(b) rejected mediation as he did not want to see Inspector Lehr again. An inquiry was filed with the NYC Comptroller's Office on January 13, 2015, to determine if any notice of claim was filed. Due to the commonality of § 87(2)(b)'s name and the lack of an arrest in this case, the investigation was unable to obtain details of any arrest history.

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (encl. b1).
- Inspector Lehr has been a member of the NYPD for 28 years. He has four previous CCRB allegations, one of which was substantiated. There are two previous force allegations; however, due to the length of time between those allegations and the current one, there is no pattern applicable to this case (encl. a1).

Findings and Recommendations

Allegation A- Force: Inspector Kenneth Lehr used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Inspector Lehr pushed him into a wall as the officer moved past him inside of the club. As a result of the push, § 87(2)(b) hit his head on a nearby wall, causing him to sustain minor bruising, nausea, headaches, blurry vision, and high blood pressure (see medical records folder and encl. f4).

Inspector Lehr, who was interviewed at the CCRB on January 12, 2015, stated that at midnight on the evening of the incident, he was supervising an inspection of the club by the state liquor board. The club was very crowded and hard to move through. After being in the club for approximately thirty minutes, Inspector Lehr received a call over the radio of a confirmed double shooting nearby. Due to the serious and urgent nature of that call, he left the club extremely quickly, possibly pushing his way through the crowd as he left. An event summary obtained from August 23, 2014, confirms that a call of a crime at 250 Clarkson Avenue came over the radio at approximately 12:38 a.m., which is consistent with Inspector Lehr's statement (encl. h1).

Upon viewing a photo of § 87(2)(b) Inspector Lehr acknowledged seeing him that night. Inspector Lehr is familiar with § 87(2)(b) as the latter has a management role with the club and Inspector Lehr has responded to calls at the club in the past. However, Inspector Lehr could not recall if he even interacted with § 87(2)(b) that night. When asked, Inspector Lehr did not deny the possibility that § 87(2)(b) was one of the people he pushed out of his way as he exited the club, but he could not recall if he did so (encl. g3).

Finally, while § 87(2)(b) did seek medical attention on § 87(2)(b), he was not diagnosed with any serious injuries. He was treated for a headache, minor bruising to the right part of his head, and a possibility of a concussion. Although, his condition was deemed “good” upon his discharge from the hospital (see medical folder).

§ 87(2)(b), § 87(2)(g)

_____.

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date